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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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ARB.P. 413/2016

SOM NATH JUNEJA

..... Petitioner

Through: Mr. Bhupesh Narula, Advocate.

versus

CENTRAL PUBLIC WORK DEPARTMENT & ANR.. Respondents

Through: Mr. Ruchir Mishra, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

27.10.2016

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1. The objection raised by Respondent to the appointment of an arbitrator is that the invocation of the arbitration clause and the claims themselves are barred by limitation.

2. Counsel for the Petitioner refers to a letter written by the Respondent to the Petitioner referring to the Petitioner's letter dated 28th April, 2016 in which a request was made for reference of the disputes to arbitration. The Court is of the view that the said letter *prima* shows that the invocation of the arbitration clause by the Petitioner was within a period of three years from date of final bill. In any event, the question of limitation would be examined by the sole Arbitrator uninfluenced by the aforementioned *prima facie* view.

3. The Court, accordingly, appoints Mr. Bagheshwar Prasad, Engineer (Retd.) (Mobile No. 9312242606) who is on the panel of DAC as sole arbitrator to adjudicate the disputes between the parties including their claims and counter-claims.

4. The arbitration will take place under the aegis of the Delhi International Arbitration Centre (DAC) and the fees of the learned Arbitrator will be in terms of the Delhi High Court Arbitration Centre (Administrative Costs and Arbitrators' Fees) Rules. The learned Arbitrator will prior to proceeding with the arbitration make the necessary disclosures in terms of Section 11 (8) read with Section 12 (1) of the Arbitration and Conciliation Act 1996 as amended with effect from 23rd October 2015.

5. The petition is disposed of. A copy of this order be communicated to the learned Arbitrator and the Additional Co-ordinator DAC forthwith.

S. MURALIDHAR, J.

OCTOBER 27, 2016
VLD